

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2003-003924

08/14/2003

HON. FRANK T. GALATI

CLERK OF THE COURT
C. Hernden
Deputy

FILED: 08/18/2003

RENAISSANCE AIRCRAFT L L C

E JEFFREY WALSH

v.

P DOUGLAS COMBS, et al.

P DOUGLAS COMBS
15815 E MELROSE ST
GILBERT AZ 85296

REX A CHRISTENSEN
ERIC C ROWE - PRO HAC VICE
800 CONNECTICUT AVE NW
SUITE 500
WASHINGTON DC 20006

MINUTE ENTRY

This is the time set for oral argument re: defendants Combs and Eder's motion to dismiss and plaintiff's judgment on the pleadings re: counts 3, 5 and 6 of counterclaim.

Eric Rowe appears on behalf of plaintiff. Douglas Combs is present, representing himself.

Court Reporter, Laura Ashbrook, is present.

Court and counsel discuss motions filed in this case.

IT IS ORDERED taking these matters under advisement.

LATER...

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2003-003924

08/14/2003

IT IS ORDERED:

1. denying Mr. Combs'¹ motion to dismiss. The bankruptcy issues appears to be discreet and are being properly handled in U.S. Bankruptcy Court and do not overlap or infringe upon the issues here.
2. granting plaintiff's motion for judgment on the pleading's on counts 3, 5 and 6 of the counter-claim.
3. denying Mr. Combs' request for fees and sanctions for non-appearance and frustration of discovery and granting plaintiff's motion for protective order as it pertains to depositions scheduled for July 16, 17 and 18, 2003. Now that Mr. Combs has apparently filed his Rule 26 disclosure statement, depositions may be noticed and other formal discovery requests may be made. The parties are directed to comply with the notice requirements of the rules and to make good-faith attempts to schedule depositions at mutually convenient times.
4. With regard to both plaintiff's and Mr. Combs' motions for a protective order to govern discovery and disclosure items, the court notes that it does not have plaintiff's proposed order.² This portion of the motion will be taken under advisement upon receipt of that proposed order.

¹ Plaintiff pointed out in oral argument that Mr. Combs, who is not a lawyer, may not file pleadings or orally argue on behalf of a co-defendant, even if that co-defendant is his wife. Plaintiff is correct. Defendant Eder must expressly adopt or join motion filed by Mr. Combs, as she did in other pleadings.

² In its motion, plaintiff notes that attempts to stipulate to an order will be undertaken, but "the terms of the order" were not finalized and plaintiff will supplement its motion, if necessary. Plaintiff's motion for protective order, at 3-4.